

**RULES
OF
DEPARTMENT OF COMMUNITY HEALTH
ADMINISTRATION**

**CHAPTER 111-1-2
VENDOR RELATIONSHIPS**

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111-1-2-.01 Definitions.

(1) "Lobbyist" shall have the meaning given in O.C.G.A. § 21-5-70(6) as it presently exists or as it may hereafter be amended. In addition, for the purpose of these regulations, the term shall also be deemed to include:

(a) any person who, for compensation, either individually or as an employee of another person, corporation, or association, undertakes to influence a public employee or state agency in the selection of a vendor to supply any goods or services to any state agency where the total value of any single contract, including authorized or anticipated renewals, exceeds \$50,000 in value or where the total value of all contracts the lobbyist promotes or opposes, including authorized or anticipated renewals, exceeds \$100,000 in a calendar year, but does not include a person solely on the basis that such person participated in preparing a written bid, written proposal, bid protest, or other document relating to a potential involvement with or sale to the Department; or

(b) any natural person who makes expenditures totaling more than \$250.00 in a calendar year, not including the person's own travel, food, and lodging expenses, or informational material, to promote or oppose the awarding of any contract to a particular vendor or vendors by the Department where the total value of any single contract, including authorized or anticipated renewals, exceeds \$50,000 in value or where

the total value of all contracts the lobbyist promotes or opposes, including authorized or anticipated renewals, exceeds \$100,000 in a calendar year.

(2) "Department" means the Department of Community Health, any division, section, or unit of the Department, and any agency attached to the Department for administrative purposes.

(3) "Public employee" shall have the meaning given in O.C.G.A. § 45-1-6(a)(4) as it presently exists or as it may hereafter be amended. In addition, for the purpose of these regulations, the term shall also be deemed to include all persons holding a state elective office.

(4) "Vendor" shall have the meaning given in O.C.G.A. § 45-1-6(a)(5) as it presently exists or as it may hereafter be amended. For the purpose of these regulations, a person seeking or opposing a certificate of need shall also be deemed to be a vendor.

(5) "Contract" shall mean any agreement, written or verbal, by which the Department agrees to purchase goods and/or services from a vendor. For the purpose of these regulations, the term shall also be deemed to include a certificate of need.

(6) "Certificate of need" shall have the meaning given in Article 3 of Chapter 6 of Title 31 of the Official Code of Georgia Annotated as it presently exists or as it may hereafter be amended. The term shall further include the determination by the Department that a project is exempt from the requirements of Article 3 of Chapter 6 of Title 31 of the Official Code of Georgia Annotated.

(7) "Person" shall mean an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Authority: O.C.G.A. § 21-5-70 *et seq.*; O.C.G.A. § 45-1-6.

Effective: February 10, 2004

111-1-2-.02 Registration Requirements.

(1) All current or prospective vendors who employ, retain, or associate one or more lobbyists shall require such lobbyists to register with the State Ethics Commission in accordance with the provisions of Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated.

(2) All current or prospective vendors who employ, retain, or associate one or more lobbyists shall require such lobbyists to file the disclosures required by Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated.

(3) In addition to the disclosures required by Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, such lobbyists shall further disclose:

(a) the name of any vendor(s) by which the lobbyist is employed, retained, or associated;

(b) an identification of the contract(s) regarding which the lobbyist is lobbying, including the contract or procurement number, if one has been assigned by the Department; and

(c) a good faith estimate of the total amounts of all income to the lobbyist from the vendor (or from any other person on behalf of the vendor) other than income for matters unrelated to lobbying.

(4) The disclosures made to the State Ethics Commission pursuant to this Chapter shall be considered to be "information voluntarily supplied" pursuant to O.C.G.A. § 21-5-6(b)(3).

(5) The registrations and disclosures to the State Ethics Commission pursuant to this Chapter shall be cumulative of, and shall not supplant or substitute for, any reports required to be made by O.C.G.A. § 45-1-6.

Authority: O.C.G.A. § 21-5-70 *et seq.*; O.C.G.A. § 45-1-6.

Effective: February 10, 2004.

111-1-2-.03 Certification Requirements.

(1) All current or prospective vendors who submit a bid, response to request for proposals, or any response to any other procurement method, shall certify:

(a) that the vendor has not employed, retained, or associated one or more lobbyists required to register with the State Ethics Commission in accordance with these regulations; or

(b) that any lobbyist employed, retained, or associated by the vendor has registered with the State Ethics Commission and made the disclosures required by law and by these regulations.

(2) Any vendor who submits an application for a certificate of need, confirmation of status, letter of non-reviewability, or opposition to any such application or letter, shall certify:

(a) that the vendor has not employed, retained, or associated one or more lobbyists required to register with the State Ethics Commission in accordance with these regulations; or

(b) that any lobbyist employed, retained, or associated by the vendor has registered with the State Ethics Commission and made the disclosures required by law and by these regulations.

Authority: O.C.G.A. § 21-5-70 *et. seq.*

Effective: February 10, 2004.

111-1-2-.04 Forms.

(1) The registration of lobbyists as required by these regulations shall be made on forms prescribed by and in the manner prescribed by the State Ethics Commission.

(2) The disclosures required of lobbyists by these regulations shall be made on forms prescribed by and in the manner prescribed by the State Ethics Commission.

(3) The certifications required of vendors by these regulations shall be made on forms prescribed by and in the manner prescribed by the Department.

(4) The Department will not execute any contract with any vendor that fails to make the certifications required by these regulations, and may rescind any previously executed contract upon a determination that any certification contained misrepresentations or falsehoods. Such misrepresentations or falsehoods may, in the sole discretion of the Department, be deemed to be a material breach of the contract by the vendor.

Authority: O.C.G.A. § 21-5-70 *et seq*; O.C.G.A. § 45-1-6; O.C.G.A. § 45-12-130 *et seq*.

Effective: February 10, 2004.